

**MINUTES OF THE  
SENATE BUSINESS AND LABOR STANDING COMMITTEE**

215 Senate Building, Utah State Capitol Complex

Wednesday, February 25, 2015

**Members Present:** Sen. Curtis S. Bramble, Chair  
Sen. Stuart Adams  
Sen. Gene Davis  
Sen. Karen Mayne  
Sen. Todd Weiler

**Members Excused:** Sen. Ralph Okerlund  
Sen. Deidre Henderson

**Staff Present:** Mr. Bryant Howe, Deputy Director  
Ms. Karen Allred, Committee Secretary

**NOTE:** A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Bramble called the meeting to order at 4:10 p.m.

**MOTION:** Sen. Weiler moved to approve the minutes of the February 24, 2015 meeting. The motion passed unanimously with Sen. Davis and Sen. Adams absent for the vote.

**S.B. 171      Metal Recycling Amendments (*S. Jenkins*)**

**MOTION:** Sen. Weiler moved to adopt the following amendments:

1.      *Page 4, Lines 116 through 120:*

116      — (e) (i) ~~{f} The {f} — {Except as provided in Subsection (1)(c)(iii), the}~~ board  
may make standards  
117      and regulations more stringent than corresponding federal law, state statute, or state  
118      administrative rules for the purposes described in Subsection (1)(a), only if the board  
makes a  
119      written finding after public comment and hearing and based on evidence in the record, that  
120      corresponding federal laws, state statutes, or state administrative rules are not adequate to

2.      *Page 5, Lines 124 through 127:*

124      — ~~{(iii) The board may not regulate a:~~  
125      — ~~(A) crusher, as defined in Subsection 41-3-102(7);~~  
126      — ~~(B) dismantler, as defined in Subsection 41-3-102(9); or~~  
127      — ~~(C) scrap metal processor, as defined in Subsection 76-6-1402(11); }~~

Senator Weiler redrew the motion.

**MOTION:** Sen. Weiler moved to adopt the following amendments:

1. *Page 1, Lines 12 through 16:*

12     ▶       states that a person who recycles an engine block is not required to remove the  
              used  
13     oil filter on that engine block;  
14     ▶       ~~{states that a local board of health may not regulate a crusher, dismantler, or~~  
              ~~serap~~  
15     ~~metal processor;}~~ and  
16     ▶       makes technical changes.

2. *Page 1, Lines 22 through 24:*

22     AMENDS:  
23         19-6-706, as last amended by Laws of Utah 2012, Chapter 360  
24         ~~{26A-1-121, as last amended by Laws of Utah 2012, Chapter 307}~~

3. *Page 4, Line 100 through Page 6, Line 163:*

100     ~~{Section 2. Section 26A-1-121 is amended to read:~~  
101     ~~26A-1-121. Standards and regulations adopted by local board — Local standards~~  
102     ~~not more stringent than federal or state standards — Exceptions for written findings —~~  
103     ~~Administrative and judicial review of actions.~~  
104     ~~(1)(a) The board may make standards and regulations:~~  
105     ~~(i) not in conflict with rules of the Departments of Health and Environmental~~  
106     ~~Quality;~~  
107     ~~and~~  
108     ~~—(ii) necessary for the promotion of public health, environmental health quality,~~  
109     ~~injury~~  
110     ~~control, and the prevention of outbreaks and spread of communicable and infectious~~  
111     ~~diseases.~~  
112     ~~—(b) The standards and regulations under Subsection (1)(a):~~  
113     ~~—(i) supersede existing local standards, regulations, and ordinances pertaining to~~  
114     ~~similar~~  
115     ~~subject matter; and~~  
116     ~~—(ii) except as provided under Subsection (1)(c) and except where specifically~~  
117     ~~allowed~~  
118     ~~by federal law or state statute, may not be more stringent than those established by~~  
119     ~~federal law,~~  
120     ~~state statute, or administrative rules adopted by the Utah Department of Health in~~  
121     ~~accordance~~  
122     ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~  
123     ~~—(c) (i) [The] Except as provided in Subsection (1)(c)(iii), the board may make~~  
124     ~~standards~~  
125     ~~and regulations more stringent than corresponding federal law, state statute, or state~~

118 ~~administrative rules for the purposes described in Subsection (1)(a), only if the board~~  
119 ~~makes a~~  
120 ~~written finding after public comment and hearing and based on evidence in the~~  
121 ~~record, that~~  
122 ~~corresponding federal laws, state statutes, or state administrative rules are not~~  
123 ~~adequate to~~  
124 ~~protect public health and the environment of the state.~~  
125 ~~—(ii) The findings shall address the public health information and studies~~  
126 ~~contained in~~  
127 ~~the record, which form the basis for the board's conclusion.~~  
128 ~~—(iii) The board may not regulate a:~~  
129 ~~—(A) crusher, as defined in Subsection 41-3-102(7);~~  
130 ~~—(B) dismantler, as defined in Subsection 41-3-102(9); or~~  
131 ~~—(C) scrap metal processor, as defined in Subsection 76-6-1402(11).~~  
132 ~~—(d) The board shall provide public hearings prior to the adoption of any~~  
133 ~~regulation or~~  
134 ~~standard. Notice of any public hearing shall be published at least twice throughout~~  
135 ~~the county~~  
136 ~~or counties served by the local health department. The publication may be in one or~~  
137 ~~more~~  
138 ~~newspapers, if the notice is provided in accordance with this Subsection (1)(d).~~  
139 ~~—(e) The hearings may be conducted by the board at a regular or special meeting,~~  
140 ~~or the~~  
141 ~~board may appoint hearing officers who may conduct hearings in the name of the~~  
142 ~~board at a~~  
143 ~~designated time and place.~~  
144 ~~—(f) A record or summary of the proceedings of a hearing shall be taken and filed~~  
145 ~~with~~  
146 ~~the board.~~  
147 ~~—(2) (a) A person aggrieved by an action or inaction of the local health~~  
148 ~~department~~  
149 ~~relating to the public health shall have an opportunity for a hearing with the local~~  
150 ~~health officer~~  
151 ~~or a designated representative of the local health department. The board shall grant~~  
152 ~~a~~  
153 ~~subsequent hearing to the person upon the person's written request.~~  
154 ~~—(b) In an adjudicative hearing, a member of the board or the hearing officer~~  
155 ~~may~~  
156 ~~administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in~~  
157 ~~the name~~  
158 ~~of the board requiring the testimony of witnesses and the production of evidence~~  
159 ~~relevant to a~~  
160 ~~matter in the hearing. The local health department shall make a written record of~~  
161 ~~the hearing,~~  
162 ~~including findings of facts and conclusions of law.~~  
163 ~~—(c) Judicial review of a final determination of the local board may be secured by~~  
164 ~~a~~  
165 ~~person adversely affected by the final determination, or by the Departments of~~  
166 ~~Health or~~

148 ~~Environmental Quality, by filing a petition in the district court within 30 days after~~  
149 ~~receipt of~~  
150 ~~notice of the board's final determination.~~  
151 ~~—(d) The petition shall be served upon the secretary of the board and shall state~~  
152 ~~the~~  
153 ~~grounds upon which review is sought.~~  
154 ~~—(e) The board's answer shall certify and file with the court all documents and~~  
155 ~~papers~~  
156 ~~and a transcript of all testimony taken in the matter together with the board's~~  
157 ~~findings of fact,~~  
158 ~~conclusions of law, and order.~~  
159 ~~—(f) The appellant and the board are parties to the appeal.~~  
160 ~~—(g) The Departments of Health and Environmental Quality may become a party~~  
161 ~~by~~  
162 ~~intervention as in a civil action upon showing cause.~~  
163 ~~—(h) A further appeal may be taken to the Court of Appeals under Section 78A-4-~~  
164 ~~103.~~  
165 ~~—(3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability~~  
166 ~~of a~~  
167 ~~local health department board to make standards and regulations in accordance with~~  
168 ~~Subsection~~  
169 ~~(1)(a) for:~~  
170 ~~—(a) emergency rules made in accordance with Section 63G-3-304; or~~  
171 ~~—(b) items not regulated under federal law, state statute, or state administrative rule. }~~

The motion passed unanimously.

Sen. Jenkins explained the bill to the committee.

Spoke to the bill: Patrick Sheehan, Electronic Recycling

**MOTION:** Sen. Weiler moved to pass the bill out favorably as amended. The motion passed unanimously with Sen. Adams absent for the vote.

**MOTION:** Sen. Weiler moved to place the bill on the Consent Calendar. The motion passed unanimously with Sen. Adams absent for the vote.

**S.B. 242 Licensing Amendments (*S. Jenkins*)**

Sen. Jenkins explained the bill to the committee.

Spoke for the bill: Brad Stevens, Executive Director, Independent Electrical Contractors of Utah

**MOTION:** Sen. Mayne moved to pass the bill out favorably. The motion passed unanimously with Sen. Adams absent for the vote.

**S.B. 221 Alcohol Amendments (S. Urquhart)**

Sen. Urquhart explained the bill to the committee,

**MOTION:** Sen. Davis moved to adopt 1<sup>st</sup> Sub. S.B. 221. The motion passed unanimously.

**MOTION:** Sen. Davis moved to adopt the following amendments:

*1. Page 5, Line 144 through Page 6, Line 150:*

- 144 (21) "Community location" means:  
145 (a) a public or private school;  
146 (b) a church;  
147 (c) a public library;  
148 (d) a public playground\_ {which is an area that has primarily playground  
equipment} \_ except that for purposes of Subsection 32B-1-202(3)(a)(ii), if a public  
playground is located within a public park, the public playground may be considered by  
the commission to be a public park \_; or  
149 (e) a public park {, which is an area that may or may not have some playground  
150 equipment} .

The motion passed unanimously.

Spoke to the bill: Vic Deauvono, Manager, Cinegrill

Spoke against the bill: Richard Nance, Utah Department of Drug and Alcohol Prevention and Treatment.

**MOTION:** Sen. Davis moved to pass the bill favorably as amended. The motion passed with Sen. Adams voting in opposition.

**S.B. 199 Local Government Revisions (K. Mayne)**

Sen. Mayne explained the bill to the committee.

**MOTION:** Sen. Weiler moved to adopt 1<sup>st</sup> Sub. S.B. 199. The motion passed unanimously.

**MOTION:** Sen. Mayne moved to adopt the following amendments:

*1. Page 12, Lines 336 through 338:*

- 336 the mayor of each municipality within that county.  
337 (g) (i) "Municipal-type services" means:  
(A) a municipal service as that term is defined in Section 17-36-3; and  
(B) that is provided by a municipality for which the municipality levies a property tax under Title 59, Chapter 2, Part 9, Levies or that acts like a utility as that term is defined in Section 10-6-10.

(ii) "Municipal-type services" does not include a service provided by a municipality pursuant to a contract that the municipality has with another political subdivision as that term is defined in Section 17B-1-102.

~~{(g)}~~ (h) "Planning district" means the same as that term is defined in Section 17-27a-306.

338 ~~{(g)}~~ ~~{(h)}~~ (i) "Private," with respect to real property, means not owned by the United States

2. *Page 12, Line 343:*

343 ~~{(h)}~~ ~~{(i)}~~ (j) "Specified county" means a county of the second, third, fourth, fifth, or sixth

3. *Page 12, Line 346:*

346 ~~{(i)}~~ (k) "Unincorporated peninsula" means an unincorporated area:

4. *Page 12, Line 354:*

354 ~~{(k)}~~ (l) "Urban development" means:

The motion passed unanimously.

Spoke for the bill: Nichole Dunn, Deputy Mayor, Salt Lake County Mayor      handouts  
Michael Jensen, Salt Lake County Council  
Rick Raile, Chair Roadway Improvement Committee  
Lamont Tyler, Millcreek  
Brett Helsten, citizen, Kearns  
David Everitt, Chief of Staff, Mayor Becker  
John Hess, Deputy Mayor, Sandy City  
Brett Clayton, citizen, Little Cottonwood Canyon

Spoke against the bill: Doug Fullmer, citizen  
Bill Both, citizen  
Cameron Diehl, Director, Government Relations, Utah League of  
Cities and Towns  
Jodi Hoffman, Utah League of Cities and Towns

Sen. Weiler assumed the Committee Chair.

**MOTION:** Sen. Davis moved to pass the bill out favorably as substituted and amended. The motion passed unanimously with Sen. Bramble and Sen. Adams absent for the vote.

**S.B. 36      Secondhand Sales Amendments (D. Thatcher)**

Sen. Thatcher explained the bill to the committee.

Spoke against the bill:       Mike Katsanevas, Secondhand Dealers  
                                      Jodi Hart, Pawn Industry

**MORION:** Sen. Davis moved to Table the bill.

Sen. Davis withdrew his motion.

Sen. Davis moved to proceed to the next item on the agenda. The motion passed with Sen. Mayne and Sen. Davis voting in favor, Sen. Weiler voting in opposition and Sen. Adams and Sen. Bramble absent for the vote.

**H.B. 141   2<sup>nd</sup> Sub.   Insurance Related Inducements (*J. Knotwell*)**

Rep. Knotwell explained the bill to the committee.

Spoke for the bill:       Analea Patterson, Attorney, Zenefits  
                                      Todd Kiser, Utah Insurance Department

**MOTION:** Sen. Davis moved to adopt the following amendments:

*1.     Page 1, Lines 10 through 15:*

- 10     Highlighted Provisions:
- 11     This bill:
- 12     ▶     ~~{addresses de minimis gifts or meals;}~~
- 13     ▶     addresses when goods and services may be provided;
- 14     ▶     provides for disclosures; and
- 15     ▶     makes technical changes.

*2.     Page 7, Lines 189 through 191:*

- 189     (7) (a) A de minimis gift or meal not to exceed a fair market value of ~~{}~~ \$25 ~~{}~~
- 190         ~~{ \$75 }~~ for
- 190     each individual receiving the gift or meal is presumed to be a social courtesy not
- 191         conditioned
- 191     on a quote or purchase of a particular insurance product for purposes of Subsection
- (4)(a).

The motion passed unanimously with Sen. Adams and Sen. Bramble absent for the vote.

**MOTION:** Sen. Davis moved to pass the bill out favorably as amended. The motion passed unanimously with Sen. Adams and Sen. Bramble absent for the vote.

Sen. Bramble resumed the Committee Chair.

**H.B. 232 Veteran Employment Protection Act (M. McKell)**

Rep. McKell explained the bill to the committee.

**MOTION:** Sen. Mayne moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 246 3<sup>rd</sup> Sub. Amendments to Fire Code (M. Kennedy)**

**MOTION:** Sen. Davis moved to adopt the following amendments:

1. *Page 2, Line 46:*

46 (5) "Fire {~~district~~} jurisdiction " means a contiguous geographic area for which there  
is a single

2. *Page 9, Lines 262 through 263:*

262 required by the fire code official. For each fire {~~district~~} jurisdiction that has at least  
one building with a

263 required key box, the fire {~~district~~} jurisdiction shall adopt {~~a policy or operating~~  
procedure} an ordinance, resolution, or other operating rule or policy that creates a

The motion passed unanimously with Sen. Weiler absent for the vote.

Rep. Kennedy explained the bill to the committee.

**MOTION:** Sen. Davis moved to pass the bill out favorably as amended. The motion passed unanimously with Sen. Weiler absent for the vote.

**MOTION:** Sen. Davis moved to adjourn. The motion passed unanimously with Sen. Weiler absent for the vote.

Chair Bramble adjourned the meeting at 5:49 p.m.

---

Sen. Curtis S. Bramble, Chair



